

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

RICHARD HORTON,	)	Case No. 23-cv-3888
	)	
<i>Plaintiff,</i>	)	
	)	Chief Judge Algenon L. Marbley
v.	)	
	)	
CITY OF COLUMBUS, <i>et al.</i> ,	)	Magistrate Judge Elizabeth P. Deavers
	)	
<i>Defendants.</i>	)	
	)	<b>JURY TRIAL DEMANDED</b>
	)	

**PLAINTIFF’S MEMORANDUM IN SUPPORT OF  
UNOPPOSED MOTION TO EXTEND THE SCHEDULING ORDER**

Plaintiff Richard Horton, by and through his undersigned attorneys, respectfully moves for an unopposed extension to the scheduling order, pursuant to Federal Rule of Civil Procedure 16(b)(4). In support, Plaintiff states as follows:

1. Plaintiff filed his 9-count complaint on November 20, 2023 alleging constitutional violations stemming from his wrongful arrest, conviction, and imprisonment for an October 9, 2004 robbery. Dkt. 1.

2. Due to the serious allegations in the case, the parties have disclosed dozens of witnesses, including eyewitnesses, police officers, detectives, damages witnesses, alibi witnesses, prosecutors, criminal defense attorneys, forensic professionals and examiners, and other third-party fact witnesses.

3. The current deadline for the completion of fact discovery is April 1, 2025. Dkt. 42.

4. The parties have made significant progress during the allotted discovery period, including:

- a. The parties exchanged initial and supplemental written discovery, including the production of thousands of pages of records. The parties have held several Rule 37 conferences to narrow and/or resolve any issues regarding written discovery disputes, and the parties are wrapping up those discussions;
  - b. The parties issued numerous subpoenas related to the underlying events and Plaintiff's damages;
  - c. The parties have completed 13 depositions, including that of Plaintiff, Defendant Walker, Rhonda Curry, Kim Curry, Tracy Smith, Pamela Rhodeback, Todd Rhodeback, Janette Horton, Brian Howe, David Thomas, Alissa Holfinger, Kawanna Harris, and Tom SeEVERS.
5. However, despite diligent efforts, the parties require additional time to complete fact discovery. Specifically, the parties are in the process of scheduling and completing depositions of key witnesses, including Lakeon Horton, Sergeant Charles Greene, Carol Wright, and Shelli Curry, and addressing outstanding document production from the parties and subpoenas issued to third parties.
6. Plaintiff has also issued a Fed. R. Civ. P. 30(b)(6) deposition notice to Defendant City of Columbus. Due to the claims raised in this civil case, several witnesses will likely be necessary to address the issues laid out in the notice. Additionally, due to the time that has elapsed since the underlying events, Defendant City represented that it anticipates needing additional time to locate the proper deponents.
7. There is also a pending motion to compel and forthcoming motion for protective order before this Court that could impact discovery.

8. As such, Plaintiff respectfully requests the Court grant a 90-day extension to the fact discovery deadline, up to and including Monday, June 30, 2025. The parties are in agreement that such an extension will allow for them to finalize all of the outstanding discovery issues, brief the pending motions, and seek Court intervention where necessary for completing the remaining depositions and document production.

9. Additionally, because the discovery still to be completed has direct bearing on expert discovery, Plaintiff conferred with Defendants about the current scheduling order. The parties reached consensus and, as such, Plaintiff respectfully requests that the scheduling order be modified as follows:

- a. Fact discovery due: June 30, 2025
- b. Primary experts due: June 30, 2025
- c. Rebuttal experts due: August 8, 2025
- d. Dispositive motions due: August 29, 2025

10. This motion is brought in good faith and not for purposes of delay, but to ensure that the parties are able to fully conduct all discovery necessary for their claims and defenses. No party would be prejudiced by this extension.

11. Plaintiff conferred with Defendants about this motion, and the parties are in agreement as to the request for relief herein.

WHEREFORE Plaintiff respectfully requests that this Court grant this motion and enter an order extending the fact discovery deadline up to and including June 30, 2025, modify the scheduling order as set forth above, and any other relief this Court deems just.

Respectfully submitted,

**RICHARD HORTON**

/s/ Michele Berry  
*One of Plaintiff's Attorneys*

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**CERTIFICATE OF SERVICE**

I, Alyssa Martinez, an attorney, hereby certify that I filed the foregoing document on March 27, 2025, using the Court's CM/ECF system, which effected service on all counsel of record.

/s/ Alyssa Martinez  
*One of Plaintiff's Attorneys*